

# PLAINTIFFS' EXHIBIT 10

1     can't call medical affairs to get the answer. It's a  
2     physician/medical affairs connection there.

3           Q.     Do you recall -- in this particular instance,  
4     do you remember if Mr. Fermanich got back to this  
5     physician?

6           A.     I would be angry if Matt did not. I don't  
7     know, though.

8           Q.     And what would you have expected him -- or if  
9     you recall, tell me what he provided to the physician.

10          A.     I don't know, but I would expect Matt to say,  
11     At the end of the day, we don't know the answer to that,  
12     but I would encourage you to reach out on this phone  
13     number, and perhaps they can do some additional research  
14     to find the answer to that.

15          Q.     Okay. This is one I want to show you.

16                     (Exhibit 1115 was marked for  
17     identification.)

18          Q.     BY MR. LOPEZ: This is Exhibit 1115. All  
19     right. Okay. Just go to the second page real quick.

20          A.     Okay.

21          Q.     This is an e-mail between Mary Starr and Matt  
22     Fermanich, and you know who Mary Starr is?

23          A.     Yeah. I'm not sure what her role was at this  
24     time, but I do know Mary Starr.

25          Q.     Okay. Actually it looks like she says --

1 A. Oh, there it is.

2 Q. -- interventional radiology coordinator?

3 A. Yeah. So I knew her when she worked in the  
4 cath lab at saint Francis, another Wheaton facility. So  
5 that's how I knew her.

6 Q. She writes just on the second page at the top,  
7 "Matt, I filled out the first half of the form. The  
8 second half you fill out" --

9 A. Yes.

10 Q. -- "question" -- I don't know if I read that  
11 right.

12 A. Right.

13 Q. "Also I need to order some filters. Is it the  
14 Eclipse or the G2," she's asking, and let's keep in mind  
15 the date here.

16 A. Okay.

17 Q. This is February 16, 2011.

18 A. Okay.

19 Q. And she needs more filters, or the group does,  
20 and then Matt responds. You can go to the first page.

21 A. Yep.

22 Q. "Mary, you want the Eclipse. Here are the  
23 product codes." Okay. And then he provides them.

24 A. Yes.

25 Q. And this was in -- this comported to the

1 instructions or the -- you know, the company directive  
2 that he's aware of.

3 A. Uh-huh.

4 Q. That's a yes?

5 A. It is correct, yes. Sorry.

6 Q. Sorry, it's annoying, but you've got to give  
7 audible responses.

8 A. Yes.

9 Q. And Mary responds and says, "Thanks, Matt. We  
10 still have a G2 in stock. Are those still being used?"  
11 And at least at this time, it's fair to say that this  
12 hospital is using the G2. Right?

13 A. I think that would be fair that it sounds like  
14 they have some in stock, yes.

15 Q. And do you know what Matt replied?

16 A. I don't. I can't recall that.

17 Q. Okay. Yeah, I don't have it --

18 A. I could make an assumption on that, but, yes.

19 Q. What would you expect Matt to have responded?

20 MR. LERNER: Objection to form.

21 THE WITNESS: I would assume that Matt would  
22 probably tell her that the G2 -- to go ahead and utilize  
23 the G2 and that when she does her reorders to order the  
24 Eclipse. Right?

25 I mean, that's -- that's the direction that

1 we have, and that's the communication that we have, and I  
2 would assume that -- that Matt could carry that out, but  
3 I can't say that with certainty obviously.

4 Q. BY MR. LOPEZ: Okay. You can put that one  
5 aside.

6 A. Okay.

7 Q. All right. This is Exhibit 1116.

8 (Exhibit 1116 was marked for  
9 identification.)

10 Q. BY MR. LOPEZ: And let's try to go through this  
11 one a little more quickly than it might look like we're  
12 going to.

13 A. Okay.

14 Q. I know it's a big one, but go to page 18,  
15 please.

16 A. Okay.

17 Q. And you'll see it's a chart at the top. It  
18 says, "What is G2 trend relative to RNF?" And do you  
19 understand the RNF to be the Recovery filter?

20 A. Yes.

21 Q. Okay. Do you see in the left column, second  
22 row, limb detachments, arm/leg hook?

23 A. Yes.

24 Q. And the far right column says, "G2 has less arm  
25 and hook complaints than RNF. G2 has more leg complaints